**BUREAU OF AIR POLLUTION CONTROL**

901 SOUTH STEWART STREET SUITE 4001

CARSON CITY, NEVADA 89701-5249

p: 775-687-9350 • [www.ndep.nv.gov/bapc](http://www.ndep.nv.gov/bapc) • f: 775-687-6396

**Facility ID No. A0381      DRAFT      PERMIT NO. AP4911-1146**  
**CLASS I AIR QUALITY**  
**OPERATING PERMIT TO CONSTRUCT**

**Issued to:** Toquop Energy, LLC. (hereinafter referred to as Permittee)**Mailing Address:** THREE RIVERWAY, SUITE 1100; HOUSTON, TX 77056**Physical Address:** APPROXIMATELY 14 MILES NORTHWEST OF MESQUITE, NEVADA**General Facility Location:** Section 36, T11S, R69E, MDB&M, (HA 222) (Lincoln County), Zone 11**Emission Unit List:****A. System 01 – Supercritical Boiler, 750 MW Output (Nominal)**

S 2.001 Pulverized Coal Boiler; 6,048 MMBtu/hr heat input rate

UTM Zone 11, meters  
Easting, Northing

746,849 4,091,219

**B. System 02 – Auxiliary Boiler #1**

S 2.002 Auxiliary Boiler; 86.4 MMBtu/hr heat input rate

746,643 4,091,331

**C. System 03 – Auxiliary Boiler #2**

S 2.003 Auxiliary Boiler; 86.4 MMBtu/hr heat input rate

746,650 4,091,332

**D. System 04 – Emergency Generator Engine**

S 2.004 Emergency Generator Engine; 1,428 HP output; 12.57 MMBtu/hr heat input rate

746,563 4,091,331

**E. System 05 – Firewater Pump Engine**

S 2.005 Firewater Pump Engine; 284 HP output; 2.41 MMBtu/hr heat input rate

746,638 4,091,439

**F. System 06 – Fugitive Coal Handling Operations – Coal Railcar Unloading**

PF 1.001 Rail Car transfer of coal to Underground Hoppers

746,940 4,091,454

PF 1.002 Underground Hoppers transfer to Unload Feeders #1 &amp; #2

746,940 4,091,454

PF 1.003 Unload Feeder #1 transfer to Coal Unloading Conveyor #1

746,940 4,091,454

PF 1.004 Unload Feeder #2 transfer to Coal Unloading Conveyor #2

746,940 4,091,454

**G. System 07 – Coal Transfer Operations – Coal Transfer House**

S 2.006 Coal Unloading Conveyor transfer to Coal Yard Conveyor Belt

746,655 4,091,315

S 2.007 Coal Yard Conveyor Belt transfer to Coal Transfer House

746,655 4,091,315

**H. System 08 – Coal Transfer Operations – Coal Stack-out Operations**

PF 1.005 Conveyor transfer to In-line Stack-out Conveyor

746,793 4,091,451

PF 1.006 In-line Stack-out Conveyor transfer to Coal Pile

746,793 4,091,451

PF 1.007 Coal Yard Conveying/Transfer

746,793 4,091,451

**I. System 09 – Coal Transfer Operations – Coal Storage Piles (Active and Inactive)**

PF 1.008 Active Coal Pile Wind Erosion

746,793 4,091,451

PF 1.009 Inactive Coal Pile Wind Erosion

746,793 4,091,451

PF 1.010 Active Pile – Maintenance/Bulldozing

746,793 4,091,451

**J. System 10 – Coal Transfer Operations – Coal Crusher Building**

S 2.008 Reclaim Conveyor #1 transfer to Crusher Building Surge Bin

746,705 4,091,549

S 2.009 Reclaim Conveyor #2 transfer to Crusher Building Surge Bin

746,705 4,091,549

S 2.010 Transfer from Crusher Building Surge Bin to Coal Crusher

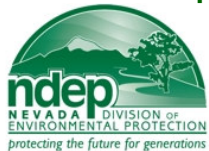
746,705 4,091,549

S 2.011 Coal Crusher

746,705 4,091,549

S 2.012 Coal Crusher transfer to Plant Feed Conveyor

746,705 4,091,549



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## CLASS I AIR QUALITY OPERATING PERMIT TO CONSTRUCT

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### Emission Unit List: (Continued)

#### **K. System 11 – Tripper Deck Operations**

		UTM Zone 11, meters	
		Easting	Northing
S	2.013	Tripper Deck Feed Conveyor #1 transfer to Tripper Deck Surge Bin	746,655 4,091,315
S	2.014	Tripper Deck Feed Conveyor #2 transfer to Tripper Deck Surge Bin	746,655 4,091,315
S	2.015	Tripper Deck Surge Bin transfer to Tripper Deck Belt Feeder	746,655 4,091,315
S	2.016	Tripper Deck Belt Feeder transfer to Tripper House Conveyor	746,655 4,091,315
S	2.017	Tripper House Conveyor transfer to Coal House Tripper	746,655 4,091,315
S	2.018	Coal House Tripper transfer to Boiler Coal Storage Silos (5)	746,655 4,091,315

#### **L. System 12 – Bottom Ash Silo Operations**

S	2.019	Bottom Ash Silo - Loading	746,681 4,091,231
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#### **M. System 13 – Bottom Ash Silo Operations**

PF	1.011	Bottom Ash Silo - Unloading	746,681 4,091,231
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#### **N. System 14 – Fly Ash Silo Operations**

S	2.020	Fly Ash Silo - Loading	746,997 4,091,244
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#### **O. System 15 – Fly Ash Silo Operations**

PF	1.012	Fly Ash Silo – Unloading	746,997 4,091,244
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#### **P. System 16 – FGD By-product/Gypsum Silo Operations**

S	2.021	FGD By-product/Gypsum Silo - Loading	746,954 4,091,243
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#### **Q. System 17 – FGD By-product/Gypsum Silo Operations**

PF	1.013	FGD By-product/Gypsum Silo – Unloading	746,954 4,091,243
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#### **R. System 18 – Quicklime Silos Operations**

S	2.022	Quicklime Silo #1 – Loading	747,019 4,091,314
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#### **S. System 19 – Quicklime Silos Operations**

PF	1.014	Quicklime Silo #1 – Unloading	747,019 4,091,314
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#### **T. System 20 – Quicklime Silos Operations**

S	2.023	Quicklime Silo #2 – Loading	746,766 4,091,228
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#### **U. System 21 – Quicklime Silos Operations**

PF	1.015	Quicklime Silo #2 – Unloading	746,766 4,091,228
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#### **V. System 22 – Activated Carbon Silo Operations**

S	2.024	Activated Carbon Silo – Loading	746,751 4,091,227
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#### **W. System 23 – By-product / Waste Silo Operations**

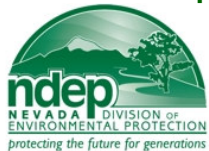
S	2.025	By-product / Waste Silo – Loading	746,939 4,091,307
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#### **X. System 24 – By-product / Waste Silo Operations**

PF	1.016	By-product / Waste Silo – Unloading / discharge to Trucks	746,939 4,091,307
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#### **Y. System 25 – Fuel Storage Tank**

S	2.026	1,060,000 Gallon Distillate Fuel Storage Tank	746,441 4,091,394
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**Section I. General Conditions**

- A. Nevada Administrative Code (NAC) 445B.3365.2(c)

Severability

Each of the conditions and requirements of this Operating Permit to Construct is severable and, if any are held invalid, the remaining conditions and requirements continue in effect.

- B. Nevada Revised Statute (NRS) 445B.470

Prohibited Acts

**The Permittee** shall not knowingly:

1. Violate any applicable provision, the terms or conditions of any Operating Permit to Construct or any provision for the filing of information;
2. Fail to pay any fee;
3. Falsify any material statement, representation or certification in any notice or report; or
4. Render inaccurate any monitoring device or method, required pursuant to the provisions of NRS 445B.100 to 445B.450, inclusive, or NRS 445B.470 to 445B.640, inclusive, or any regulation adopted pursuant to those provisions.

- C. NAC 445B.22013

Prohibited Discharge

**The Permittee** shall not cause or permit the discharge into the atmosphere from any stationary source of any hazardous air pollutant or toxic regulated air pollutant that threatens the health and safety of the general public, as determined by the Director.

- D. NAC 445B.225

Prohibited Conduct: Concealment of Emissions

**The Permittee** shall not install, construct, or use any device that conceals any emission without reducing the total release of regulated air pollutants to the atmosphere.

- E. State Implementation Plan (SIP) 445.663

Concealment of Emissions Prohibited

Except for the sole purpose of reducing the odor of an emission, **the Permittee** may not install, construct, or use any device that conceals any emission without reducing the total release of air contaminants to the atmosphere.

- F. NAC 445B.3365.2(d)

Compliance/Noncompliance

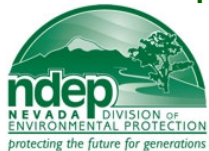
**The Permittee** shall comply with all conditions of this Operating Permit to Construct. Any noncompliance constitutes a violation and is grounds for:

1. An action for noncompliance;
2. Modifying, revoking, reopening and revising, or terminating the Operating Permit to Construct; or
3. Denial of an application for a renewal of the Operating Permit to Construct.

- G. NAC 445B.273.1

Schedules for Compliance

**The Permittee** shall comply with NAC 445B.001 through 445B.3791, inclusive. Existing stationary sources are in compliance with those sections and may continue to operate under the provisions of their approved compliance schedules, which may be amended from time to time.



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**Section I. General Conditions (continued)**

H. SIP 445.695.1

Time for Compliance

**The Permittee's** new and existing sources shall comply with SIP 445.430 to 445.846, inclusive. Existing sources are in compliance with these regulations and may continue to operate under the provisions of their approved compliance schedules, which may be amended from time to time.

I. NAC 445B.326.1

Assertion of Emergency as Affirmative Defense to Action for Noncompliance

**The Permittee** may assert an affirmative defense to an action brought for noncompliance with a technology-based emission limitation contained in the Operating Permit to Construct if the holder of the Operating Permit to Construct demonstrates through signed, contemporaneous operating logs or other relevant evidence that:

1. An emergency occurred as defined in NAC 445B.056, and the holder of the Operating Permit to Construct can identify the cause of the emergency;
2. The facility was being properly operated at the time of the emergency;
3. During the emergency, the holder of the Operating Permit to Construct took all reasonable steps to minimize excess emissions; and
4. The holder of the Operating Permit to Construct submitted notice of the emergency to the Director within 2 working days after the emergency. The notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken to restore the normal operation of the facility.

J. NAC 445B.3365.2(e)

The need to halt or reduce activity to maintain compliance with the conditions of this Operating Permit to Construct is not a defense to noncompliance with any conditions of this Operating Permit to Construct.

K. NAC 445B.3365.2(f)

The Director may modify, revoke and reissue, reopen and revise, or terminate the Operating Permit to Construct for cause.

L. NAC 445B.3265

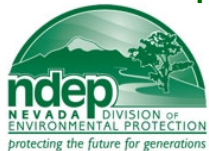
Revocation and re-issuance

1. NAC 445B. 3265.1. **The Permittee's** Operating Permit to Construct may be revoked if the control equipment is not operating.
2. NAC 445B.3265.2. **The Permittee's** Operating Permit to Construct may be revoked by the Director upon determination that there has been a violation of NAC 445B.001 to 445B.3791, inclusive, or the provisions of 40 CFR Part 52.21, or 40 CFR Part 60 or 61, Prevention of Significant Deterioration, New Source Performance Standards, and National Emission Standards for Hazardous Air Pollutants adopted by reference in NAC 445B.221.
3. NAC 445B.3265.3. -The revocation is effective 10 days after the service of a written notice, unless a hearing is requested.

M. SIP 445.715

Revocation

1. **The Permittee's** Operating Permit to Construct may be revoked if the control equipment is not operating.
2. **The Permittee's** Operating Permit to Construct can be revoked by the Director upon determination that there has been a violation of SIP 445.430 to 445.846, inclusive, or 40 CFR Parts 60 or 61, New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants.
3. The revocation is effective 10 days after the service of a written notice, and the revoked Operating Permit to Construct shall be surrendered immediately unless a hearing is requested.



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**Section I. General Conditions (continued)**

N. NAC 445B.3365.2(g)

This Operating Permit to Construct does not convey any property rights or any exclusive privilege.

O. NAC 445B.3365.2(h)

**The Permittee** shall provide the Director, within a reasonable time, with any information that the Director requests in writing to determine whether cause exists for modifying, revoking and reissuing, reopening and revising or terminating this Operating Permit to Construct or to determine compliance with the conditions of this Operating Permit to Construct.

P. NAC 445B.315.3.i

**The Permittee** shall pay fees to the Bureau of Air Pollution Control in accordance with the provisions set forth in NAC 445B.327 and 445B.331.

Q. NAC 445B.3365.2(i)

**Right to Entry**

**The Permittee** shall allow the Bureau of Air Pollution Control staff, upon the presentation of credentials, to:

1. Enter upon the premises of **the Permittee** where:

- a. The stationary source is located;
- b. Activity related to emissions is conducted; or
- c. Records are kept pursuant to the conditions of this Operating Permit to Construct.

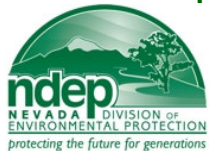
2. Have access to and copy, during normal business hours, any records that are kept pursuant to the conditions of this Operating Permit to Construct;

3. Inspect, at reasonable times, any facilities, practices, operations, or equipment, including any equipment for monitoring or controlling air pollution, that are regulated or required pursuant to this Operating Permit to Construct; and

4. Sample or monitor, at reasonable times, substances or parameters to determine compliance with the conditions of this Operating Permit to Construct or applicable requirements.

R. NAC 445B.3365.2(j)

A responsible official of **the Permittee** shall certify that, based on information and belief formed after reasonable inquiry, the statements made in any document required to be submitted by any condition of this Operating Permit to Construct are true, accurate and complete.



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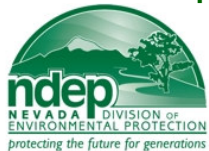
**Section I. General Conditions (continued)**

S. NAC 445B.252

**Testing and Sampling**

1. To determine compliance with NAC 445B.001 to 445B.3791, inclusive, before the approval or the continuance of an Operating Permit to Construct or similar class of permits, the Director may either conduct or order the owner of any stationary source to conduct or have conducted such testing and sampling as the Director determines necessary. Testing and/or sampling must be conducted and the results submitted to the Director within 60 days after achieving the maximum rate of production at which the affected facility will be operated, but not later than 180 days after initial startup of the facility and at such times as may be required by the Director.
2. Tests of performance must be conducted and data reduced in accordance with the methods and procedures of the test contained in each applicable subsection of this section unless the Director:
  - a. Specifies or approves, in specific cases, the use of a method of reference with minor changes in methodology;
  - b. Approves the use of an equivalent method;
  - c. Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific stationary source is in compliance; or
  - d. Waives the requirement for tests of performance because the owner or operator of a stationary source has demonstrated by other means to the Director's satisfaction that the affected facility is in compliance with the standard.
3. Tests of performance must be conducted under such conditions as the Director specifies to the operator of the plant based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the test of performance. Operations during periods of startup, shutdown, and malfunction must not constitute representative conditions of a test of performance unless otherwise specified in the applicable standard.
4. The owner or operator of an affected facility shall give notice to the Director 30 days before the test of performance to allow the Director to have an observer present. A written testing procedure for the test of performance must be submitted to the Director at least 30 days before the test of performance to allow the Director to review the proposed testing procedures.
5. Each test of performance must consist of at least three separate runs using the applicable method for that test. Each run must be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than three valid samples being obtained, compliance may be determined using the arithmetic mean of the results of the other two runs upon the Director's approval.
6. All testing and sampling will be performed in accordance with recognized methods as specified by the Director.
7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the Director must be provided and paid for by the owner of the stationary source.
8. All information and analytical results of testing and sampling must be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations, and copies of these results must be provided to the Director no later than 60 days after the testing or sampling, or both.





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**Section I. General Conditions (continued)**

T. SIP 445.682

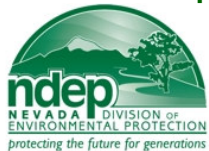
Testing and Sampling

1. To determine compliance with SIP 445.430 to 445.846, inclusive, prior to approval of or prior to the continuance of an Operating Permit to Construct or similar class of permits, the Director may either conduct or order the owner of any source to conduct or have conducted such testing and sampling as the Director determines necessary. Testing and/or sampling must be conducted within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Director.
2. Performance tests must be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Director
  - a. Specifies or approves, in specific cases, the use of a reference method with minor changes in methodology;
  - b. Approves the use of an equivalent method;
  - c. Approves the use of an alternative method, the results of which he has determined to be adequate for indicating whether a specific source is in compliance; or
  - d. Waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Director's satisfaction that the affected facility is in compliance with the standard.
3. Performance tests shall be conducted under such conditions as the Director shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown and malfunction must not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.
4. The owner or operator of an affected facility shall provide the Director 30 days prior notice of the performance test to afford the Director the opportunity to have an observer present.
5. Each performance test shall consist of at least two separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs shall apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than two valid samples being obtained, an additional performance test must be conducted.
6. All testing and sampling will be performed in accordance with recognized methods as specified by the Director.
7. The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the Director shall be provided and paid for by the owner of the source.
8. All information and analytical results of testing and sampling shall be certified as to their truth and accuracy and as to their compliance with all provisions of these (SIP) regulations and copies of these results must be provided to both the owner and Director.

U. NAC 445B.22067

Open Burning

The open burning of any combustible refuse, waste, garbage, oil, or for any salvage operations, except as specifically exempted, is prohibited. Specific exemptions from open burning are described in NAC 445B.22067.2.



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**Section I. General Conditions (continued)**

V. NAC 445B.22017

Maximum Opacity of Emissions

1. Except as otherwise provided in this section and NAC 445B.2202, no owner or operator may cause or permit the discharge into the atmosphere from any emission unit, which is of an opacity equal to or greater than 20 percent. Opacity must be determined by one of the following methods:
  - a. If opacity is determined by a visual measurement, it must be determined as set forth in Reference Method 9 in Appendix A of 40 C.F.R. Part 60.
  - b. If a source uses a continuous monitoring system for the measurement of opacity, the data must be reduced to 6-minute averages as set forth in 40 C.F.R. §§ 60.13(h).
2. The provisions of this section and NAC 445B.2202 do not apply to that part of the opacity that consists of uncombined water. The burden of proof to establish the application of this exemption is upon the person seeking to come within the exemption.
3. If the provisions of 40 C.F.R. Part 60, Subpart D or Da apply to an emission unit, the emission unit must be allowed one 6-minute period per hour of not more than 27 percent opacity as set forth in 40 C.F.R. § 60.42(a)(2) and 40 C.F.R. § 60.42a(b).
4. The continuous monitoring system for monitoring opacity at a facility must be operated and maintained by the owner or operator specified in the Operating Permit to Construct for the facility in accordance with NAC 445B.256 to 445B.267, inclusive.

W. NAC 445B.22087

Odors

**The Permittee** may not discharge or cause to be discharged, from any stationary source, any material or regulated air pollutant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents comfortable enjoyment of life or property.

X. SIP 445.844

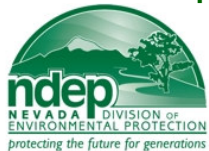
Odors

**The Permittee** may not discharge or cause to be discharged, from any source, any material or air contaminant which is or tends to be offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.

Y. NAC 445B.319, 445B.342, 445B.3425 and 445B.344

Any changes to this Operating Permit to Construct will comply with all provisions established under NAC 445B.319, 445B.342, 445B.3425 and 445B.344.





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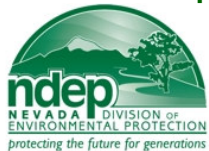
**Section I. General Conditions (continued)**

Z. NAC 445B.22037

Fugitive Dust

1. **The Permittee** may not cause or permit the handling, transporting, or storing of any material in a manner that allows or may allow controllable particulate matter to become airborne.
2. Except as otherwise provided in subsection 4, **the Permittee** may not cause or permit the construction, repair, demolition, or use of unpaved or untreated areas without first putting into effect an ongoing program using the best practical methods to prevent particulate matter from becoming airborne. As used in this subsection, “best practical methods” includes, but is not limited to, paving, chemical stabilization, watering, phased construction, and re-vegetation.
3. Except as provided in subsection 4, **the Permittee** may not disturb or cover 5 acres or more of land or its topsoil until **the Permittee** has obtained an Operating Permit for surface area disturbance to clear, excavate, or level the land or to deposit any foreign material to fill or cover the land.
4. The provisions of subsections 2 and 3 do not apply to:
  - a. Agricultural activities occurring on agricultural land; or
  - b. Surface disturbances authorized by a permit issued pursuant to NRS 519A.180 which occur on land which is not less than 5 acres or more than 20 acres.

**\*\*\*\*\*End of General Conditions\*\*\*\*\***



**BUREAU OF AIR POLLUTION CONTROL**

901 SOUTH STEWART STREET SUITE 4001

CARSON CITY, NEVADA 89701-5249

p: 775-687-9350 • [www.ndep.nv.gov/bapc](http://www.ndep.nv.gov/bapc) • f: 775-687-6396

**Facility ID No. A0381**

**PERMIT NO. AP4911-1146**

**CLASS I AIR QUALITY  
OPERATING PERMIT TO CONSTRUCT**

**Issued to:** Toquop Energy, LLC. As Permittee

**Section II. General Construction Conditions**

**A. NAC 445B.250**

**Notification**

The Bureau of Air Pollution Control will be notified in writing of the following:

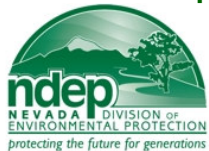
1. The date that construction, or reconstruction as defined under NAC 445B.247, of **S2.001 through S2.026 and PF1.001 through PF1.016, each** is commenced, postmarked no later than 30 days after such date.
2. The anticipated date of initial startup of **S2.001 through S2.026 and PF1.001 through PF1.016, each** postmarked not more than 60 days nor less than 30 days before such date.
3. The actual date of initial startup of **S2.001 through S2.026 and PF1.001 through PF1.016, each** postmarked not more than 15 days after such date.

**B. NAC 445B.3366**

**Expiration**

This Operating Permit to Construct expires if construction is not commenced within 18 months after the date of issuance thereof or construction of the facility is delayed for 18 months after initiated. The director may extend the 18-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected commencement date approved by the director.

**\*\*\*\*\*End of General Construction Conditions\*\*\*\*\***



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**Section III. General Operating Conditions**

A. NAC 445B.227

Facilities Operation

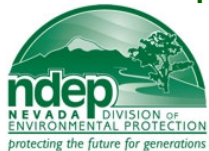
*The Permittee* may not:

1. Operate a stationary source of air pollution unless the control equipment for air pollution that is required by applicable requirements or conditions of this Operating Permit to Construct is installed and operating.
2. Disconnect, alter, modify or remove any of the control equipment for air pollution or modify any procedure required by an applicable requirement or condition of this Operating Permit to Construct.

B. NAC 445B.232

Excess Emissions

1. Scheduled maintenance or testing or scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3791, inclusive, must be approved by the Director and performed during a time designated by the Director as being favorable for atmospheric ventilation.
2. The Director must be notified in writing of the time and expected duration at least 24 hours in advance of any scheduled maintenance which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3791, inclusive.
3. The Director must be notified in writing or by telephone of the time and expected duration at least 24 hours in advance of any scheduled repairs which may result in excess emissions of regulated air pollutants prohibited by NAC 445B.001 to 445B.3791, inclusive.
4. The Director must be notified of any excess emissions within 24 hours after any malfunction or upset of the process equipment or equipment for controlling pollution or during startup or shutdown of such equipment. The telephone number for the notification is (775) 687-9350.
5. *The Permittee*, as the owner or operator of an affected facility, shall provide the Director, within 15 days after any malfunction, upset, startup, shutdown, or human error which results in excess emissions, sufficient information to enable the Director to determine the seriousness of the excess emissions. The information must include at least the following:
  - a. The identity of the stack or other point of emission, or both, where the excess emissions occurred.
  - b. The estimated magnitude of the excess emissions expressed in opacity or in units of the applicable limitation on emission and the operating data and methods used in estimating the magnitude of the excess emissions.
  - c. The time and duration of the excess emissions.
  - d. The identity of the equipment causing the excess emissions.
  - e. If the excess emissions were the result of a malfunction, the steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunction.
  - f. The steps taken to limit the excess emissions.
  - g. Documentation that the equipment for controlling air pollution, process equipment, or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.



**BUREAU OF AIR POLLUTION CONTROL**

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**Issued to:** Toquop Energy, LLC. As Permittee

**Section III. General Operating Conditions (Continued)**

**C. SIP 445.667**

Excess Emissions: Scheduled Maintenance; Testing; Malfunction

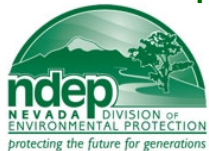
1. Scheduled maintenance or testing approved by the Director or repairs which may result in excess emissions of air contaminants prohibited by SIP 445.430 to 445.846, inclusive, must be performed during a time designated by the Director as being favorable for atmospheric ventilation.
2. The Director shall be notified in writing on the time and expected duration at least 24 hours in advance of any scheduled maintenance or repairs which may result in excess emissions of air contaminants prohibited by SIP 445.430 to 445.846, inclusive.
3. The Director must be notified within 24 hours after any malfunction, breakdown or upset of process or pollution control equipment or during startup of such equipment. Phone (775) 687-9350.
4. The owner or operator of an affected facility shall provide the Director, within 15 days after any malfunction, breakdown, upset, startup or human error sufficient information to enable the Director to determine the seriousness of the excess emissions. The submission must include as a minimum:
  - a. The identity of the stack and/or other emission point where the excess emission occurred.
  - b. The estimated magnitude of the excess emissions expressed in opacity or in the units of the applicable emission limitation and the operating data and methods used in estimating the magnitude of the excess emissions.
  - c. The time and duration of the excess emissions.
  - d. The identity of the equipment causing the excess emissions.
  - e. If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of the malfunctions.
  - f. The steps taken to limit the excess emissions.
  - g. Documentation that the air pollution control equipment, process equipment or processes were at all times maintained and operated, to a maximum extent practicable, in a manner consistent with good practice for minimizing emissions.

**D. SIP Article 2.5.4**

Scheduled Maintenance, Testing, and Breakdown or Upset Federally Enforceable SIP Requirement

Breakdown or upset, determined by the Director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of the regulations.

**\*\*\*\*\*End of General Operating Conditions\*\*\*\*\***



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**Section IV. General Monitoring, Recordkeeping, and Reporting Requirements**

**A. NAC 445B.3365.2(b)**

**The Permittee** shall retain records of all required monitoring data and supporting information for 5 years from the date of the sample collection, measurement, report or analysis. Supporting information includes, but is not limited to, all records regarding calibration and maintenance of the monitoring equipment and all original strip-chart recordings for continuous monitoring instrumentation.

**B. NAC 445B.3405.1(d)**

**The Permittee** will record:

1. Monitoring information required by the conditions of this Operating Permit to Construct including the date, the location and the time of the sampling or the measurements and the operating conditions at the time of the sampling or measurements; and
2. The date on which the analyses were performed, the company that performed them, the analytical techniques that the company used, and the results of such analyses.

**C. NAC 445B.3365.2(h)**

**The Permittee** will submit yearly reports including, but not limited to, throughput, production, fuel consumption, hours of operation, and emissions. These reports will be submitted on the form provided by the Bureau of Air Pollution Control for all emission units/systems specified on the form. The completed form must be submitted to the Bureau of Air Pollution Control no later than March 1 annually for the preceding calendar year, unless otherwise approved by the Bureau of Air Pollution Control.

**D. NAC 445B.265**

**Notification and Recordkeeping**

**The Permittee** as the owner or operator subject to the provisions of NAC 445B.256 to 445B.267, inclusive, shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility and any malfunction of the air pollution control equipment or any periods during which a continuous monitoring system or monitoring device is inoperative.

**\*\*\*\*\*End of General Monitoring and Recordkeeping Conditions\*\*\*\*\***